

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**WILLIAM LOCKWOOD,**

\*

**Plaintiff**

\*

**v.**

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**Civil Action No. WMN-02-2068**

**PACIFIC USA, LTD., et al.,**

\*

**Defendants**

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**RESPONSE OF THIRD-PARTY DEFENDANT, SR SUNTOUR, INC., TO  
PLAINTIFF'S MOTION TO STRIKE AFFIDAVIT OF NAOJI TANAKA**

Plaintiff's motion to strike affidavit of Naoji Tanaka seeks to prevent defendants from relying on facts set forth in the affidavit in opposition to plaintiff's motion for partial summary judgment on liability. Plaintiff complains that the facts in the affidavit were not divulged prior to the cut off date for discovery between the plaintiff and the defendants. Plaintiff, however, concedes that the affidavit of Mr. Tanka was produced prior to the discovery deadline as to SR Suntour, Inc. who relies on the same affidavit to support its opposition to plaintiff's motion and its cross-motion for summary judgment on liability. Since the affidavit will have to be considered by the Court in ruling on SR Suntour, Inc.'s opposition to plaintiff's motion and on Suntour's motion for summary judgment, it is nonsensical for the plaintiff to request the Court not to consider the affidavit when ruling on plaintiff's motion for partial summary judgment. It is therefore

respectfully requested that the Court deny plaintiff's motion to strike affidavit of Naoji Tanaka.

Respectfully submitted,

*/s/ Edward J. Lopata*

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Attorneys for Third-Party Defendants, SR  
Suntour, Inc. and SR Suntour, USA

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 13<sup>th</sup> day of June, 2003, the foregoing  
Response of Third-Party Defendant, SR Suntour, Inc., to Plaintiff's Motion to Strike  
Affidavit of Naoji Tanaka was electronically filed to the following:

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*Attorney for Pacific Cycle, LLC*

/s/ Edward J. Lopata

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